

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**COMPLAINT FOR NEGLIGENCE AND VIOLATION  
OF THE FOURTH AMENDMENT**

Plaintiff, Michael Taylor, by and through his attorney, Kari T. Morrissey brings this complaint for negligence and violations of his Fourth Amendment right to be free from unlawful arrest and in support states as follow:

## **JURISDICTION AND VENUE**

1. Plaintiff, Michael Taylor, resides in Bernalillo County, New Mexico.
  2. Defendants Anthony Robinson and Jordan Burd are individuals who were employed by the New Mexico State Police as full time, salaried law enforcement officers and were acting in the course and scope of their duties with the New Mexico State Police at the time of the events set forth in this Complaint.
  7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331.
  8. Personal jurisdiction is proper since all parties reside or are employed within this district.
  9. Venue is properly laid in this Court pursuant to 28 U.S.C. §1391(b) as Defendants' actions causing injury to Plaintiff took place within this district.

## **FACTUAL BACKGROUND**

10. On or about December 2, 2014 Michael Taylor was stopped for a traffic violation by Patrolman Anthony Robinson. Officer Robinson determined that Mr. Taylor had a valid outstanding warrant for his arrest on a misdemeanor out of Bernalillo County.
11. Officer Robinson lawfully arrested Mr. Taylor and booked him at the San Miguel County Detention Center. Mr. Taylor posted the bond on the warrant and was released from jail. Officer Robinson failed to take the necessary steps to remove the warrant from the NCIC system. As a result, the warrant for Mr. Taylor remained active even though he was arrested on the warrant. Mr. Taylor believed the warrant had been cancelled appropriately.
12. On or about December 16, 2014 Mr. Taylor was stopped for a traffic violation by Patrolman Jordan Burd with the New Mexico State Police. Officer Burd notified Mr. Taylor that there was an outstanding arrest warrant for him on the misdemeanor in Bernalillo County.
13. Mr. Taylor explained to Officer Burd that he had previously been arrested on the warrant by Officer Robinson. Mr. Taylor produced documents to support his statement that he had already been arrested on the warrant. Despite Mr. Taylor's explanation and production of supporting documentation, Officer Burd arrested Mr. Taylor and booked him at the Santa Fe County Detention Center. Mr. Taylor spent approximately four days in custody before his release on the same warrant for which he was previously arrested on December 2, 2014.

**COUNT 1: NEGLIGENCE UNDER THE NEW MEXICO TORT  
CLAIMS ACT § 41-4-12**

14. Defendant Robinson acted negligently when he failed to take the necessary steps to remove the outstanding warrant for Mr. Taylor from the NCIC system.
15. Defendant Robsinson's negligence is a cause of Plaintiff's damages.
16. As a result of Defendant Robinson's negligence, Plaintiff was arrested and incarcerated. He suffered loss of liberty, stress, anxiety, embarrassment and lost wages.

**COUNT 2: VIOLATION OF THE FOURTH AMENDMENT**

17. Plaintiff has a constitutional right to be from unlawful arrest under the Fourth Amendment to the United State Constitution.
18. Defendant Burd had a duty to properly investigate Mr. Taylor's claim that he had already been arrested on the outstanding warrant by Officer Robinson.
19. Instead of conducting any investigation, Officer Burd arrested Mr. Taylor and incarcerated him in violation of Mr. Taylor's Fourth Amendment Right to be free from unlawful arrest.
20. As a direct and proximate result of Plaintiff's unlawful arrest, Plaintiff suffered loss of liberty, stress, anxiety, embarrassment and lost wages.
21. Defendant Burd's conduct was reckless, willful and malicious.

WHEREFORE, Plaintiff requests this Court grand the following relief:

22. Compensatory damages sufficient to compensate Plaintiff for his loss of liberty, stress, anxiety, embarrassment and lost wages and any other expenses associated with his unlawful arrest.

23. Punitive damages sufficient to deter future reckless, willful and malicious conduct on the part of Defendant Burd.
24. Attorneys fee and costs.
25. Any other relief this Court deems appropriate.

Respectfully submitted,

/s/ Kari T. Morrissey  
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